

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AMERICA 2030 CAPITAL, LLC

Plaintiff,

v.

SUNPOWER GROUP LIMITED, et
al.,

Defendants.

CIVIL ACTION FILE
NO. 1:19-cv-4136-WMR

ORDER


Before the Court are Defendants’ respective Motions to Dismiss for want of personal jurisdiction, insufficient service of process, and failure to state a claim. [Doc. 6; Doc. 8; Doc. 10]. The motions were filed on October 21, 2019. Local Rule 7.1(b) states that responses to motions shall be filed within 14 days of service of the motion. L.R. 7.1(b) further states that failure to respond shall indicate a lack of opposition. As of November 13, 2019, Plaintiff had not filed a brief in response to the motion to dismiss. [*See* Doc. 23; Doc. 24; Doc. 25].

Well after the 14-day response period had expired, Plaintiff filed a motion for the extension of time to respond to the motions to dismiss. [Doc. 26]. After review, however, the Court finds that the motion fails to set forth a sufficient basis for an extension. Fed. R. Civ. P. 6(b)(1)(B) allows for extension after time has expired “for

good cause” and “if the party failed to act because of excusable neglect.” Plaintiff’s motion, however, does not explain why its neglect was excusable under Rule 6(b)(1)(B). Its only basis for reopening the time to respond to the motion dismiss is that additional counsel, Jaitegh Singh, “has been attempting to submit an application for Pro Hac Vice admission and requires additional time.” [Doc. 26, at p. 1]. The Court notes that Plaintiff has always had counsel of record in this case, regardless of whether Mr. Singh has been admitted pro hac vice or not, and Plaintiff gives no reason why its counsel of record could not have filed a timely response to the motions to dismiss.

For the above reasons, Plaintiff’s motion for an extension of time to file responses [Doc. 26] is **DENIED**, Defendants’ respective Motions to Dismiss [Doc. 6; Doc. 8; Doc. 10] are **GRANTED**, and the hearing scheduled for February 12, 2020 is cancelled. The Clerk is ordered to close this case.

IT IS SO ORDERED, this 7th day of January, 2020.



WILLIAM M. RAY, II
UNITED STATES DISTRICT JUDGE